



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON

IN RE COMPLIANCE	)	PDC CASE NO: 06-001
WITH RCW 42.17	)	
	)	Report of Investigation
Puget Sound Regional Council; Port of	)	
Everett; Port of Seattle & Port of	)	
Tacoma	)	
Respondents	)	
_____	)	

I.  
Complaint

- 1.1 On July 1, 2005, Richard Pope filed a citizen action (45-day letter) in accordance with RCW 42.17.400 with the Office of the Attorney General and with the county prosecutor's offices in King, Kitsap, Pierce, San Juan, Snohomish, and Thurston counties, alleging violations of RCW 42.17.130 by: 1) Puget Sound Regional Council; 2) Port of Everett; 3) Port of Seattle; and 4) Port of Tacoma. **See Exhibit #1.**
- 1.2 Specifically, the citizen action letter from Mr. Pope alleged that the Puget Sound Regional Council, Port of Everett, Port of Seattle, and Port of Tacoma used or authorized the use of public facilities for the purpose of opposing Initiative 912, potential violations of RCW 42.17.130. In addition, Mr. Pope suggested that Keep Washington Rolling may have falsely represented that it had received the endorsement or support of the Puget Sound Regional Council, Port of Everett, Port of Seattle and the Port of Tacoma.
- 1.3 The Attorney General's Office referred the complaint to the Public Disclosure Commission (PDC) for investigation on July 6, 2005.

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*"The public's right to know of the financing of political campaigns and lobbying  
and the financial affairs of elected officials and candidates far outweighs  
any right that these matters remain secret and private."*

RCW 42.17.010 (10)



## II.

### Background

- 2.1 During the 2005 Legislative Session, the Washington State Legislature passed legislation increasing the state gasoline tax.
- 2.2 On June 1, 2005, Citizens for Better Transportation filed a Committee Registration Statement (PDC Form C-1pc) indicating its opposition to Initiative 912, a statewide ballot proposition that would repeal the gasoline tax. **See Exhibit #2.**
- 2.3 On June 15, 2005, an amended C-1pc was filed by Keep Washington Rolling (KWR) indicating the committee had changed its name from Citizens for Better Transportation to KWR. **See Exhibit #3.**

## III.

### Facts

#### Keep Washington Rolling:

- 3.1 Mr. Pope alleged that KWR listed a number of public agencies on its political committee website that indicated those agencies supported the committee's efforts to oppose Initiative 912. Specifically, Mr. Pope alleged that listing the Port of Everett, Port of Seattle, Port of Tacoma and the Puget Sound Regional Council constituted an implied endorsement of KWR's efforts by public agencies in violation of RCW 42.17.130.
- 3.2 On July 14, 2005, KWR submitted a response to the complaint. **See Exhibit #4.** Charles Knutson, Vice-President of Government Affairs for the Greater Seattle Chamber of Commerce, and a campaign consultant for KWR, stated the following in the response:

**"None of the agencies you referenced were confirmed supporters of, or contributors to the Keep Washington Rolling effort. These agencies were mistakenly posted on the Keep Washington Rolling website by our campaign consultants at Pacific Public Affairs. Immediately upon being informed of the mistake, the consultants corrected the error by deleting the names of these agencies from the website.**

- 3.3 Mr. Knutson said that KWR regretted making the error, and assured PDC staff that it was unintentional. Mr. Knutson stated that the Port of Everett, Port of Seattle, Port of Tacoma and the Puget Sound Regional Council, were listed on the website covering the period of June 21-30, 2005, a total of ten days. KWR took corrective action immediately upon being made aware of the error, and offered to take additional corrective action, if necessary.
- 3.4 PDC staff conducted a telephone interview under oath on July 21, 2005, with David Fisher and Lily Eng, employees of Pacific Public Affairs (PPA), a consulting firm under contract with the Keep Washington Rolling committee. During the interview, Mr. Fisher and Ms. Eng stated that Mr. Knutson had provided them with several lists that were electronically transmitted to them from his office at the Seattle Chamber of Commerce. The lists sent from Mr. Knutson to PPA included contacts of entities and individuals who had expressed an interest in transportation issues. One of the lists included a large number of legislators, local elected officials, cities and local government agencies.
- 3.5 One of the lists sent by Mr. Knutson to PPA included the names of the Port of Everett, Port of Seattle, Port of Tacoma and the Puget Sound Regional Council.
- 3.6 On July 22, 2005, Mr. Knutson contacted PDC staff and stated that he had recently talked with PPA about the organizations listed on the KWR website to learn why public agencies were included. Based on those discussions, Mr. Knutson determined that the names printed on the letterhead of the Transportation Partnership were used to produce the names listed on the website.
- 3.7 Transportation Partnership (TP) is a coalition of business, labor, governmental agencies, elected officials, and environmental representatives. TP advocated for successful solutions to state and regional transportation challenges. The coalition was officially formed May 13, 2005, but Mr. Knutson said that some of the members started meeting in the fall of 2004. The Port of Everett, Port of Seattle, Port of Tacoma and the Puget Sound Regional Council were listed as members of the TP.
- 3.8 Mr. Knutson sent PPA an email on June 14, 2005, that included a list of actual and likely contributors to KWR. That list did not contain any state or local government agencies or officials. In the email, Mr. Knutson also included a list of organizations that would likely become contributors to KWR. In that correspondence Mr. Knutson stated the following:

**"Please note this list did not include any of the public or quasi-public agencies referenced in Richard Pope's letter. I meant for Pacific Public Affairs to use this as a starting point for developing a list of confirmed supporters. I also attached a draft document with the Transportation Partnership's letterhead and noted that."**

**"These are organizations that publicly supported a significant gas tax increase in the 2005 legislative session. They should be asked again if they're on board with this effort, but in theory they should be."**

**"Although they hadn't been asked if they supported the effort, the groups on this document were inadvertently posted on the Keep Washington Rolling website by PPA's webmaster. This is how PSRC and the Ports were mistakenly listed."**

- 3.9 A copy of the Transportation Partnership letterhead was forwarded to PDC staff on July 22, 2005. **See Exhibit #5.** PDC staff compared the names on the Transportation Partnership letterhead with the names that were originally listed on KWR's website. **See Exhibit #6.**
- 3.10 Staff found that the names on the Transportation Partnership letterhead and the names that were listed on KWR's website were identical.
- 3.11 Mr. Knutson of KWR and Mr. Fisher and Ms. Eng of PPA all stated under oath that they had not been contacted, and did not themselves contact or solicit an endorsement, either implied or actual, from the Port of Everett, Port of Seattle, Port of Tacoma, and the Puget Sound Regional Council or employees of those agencies, to endorse or support KWR, or to oppose Initiative 912.
- 3.12 Keep Washington Rolling is a political committee formed on June 1, 2005, to oppose Initiative 912. KWR could not have violated RCW 42.17.530(1)(c), since this statute applies to a false claim of support or endorsement regarding a candidate for public office. No other provision of chapter 42.17. RCW relates to the endorsement issue raised by Mr. Pope in his citizen action letter.

**Port of Everett:**

- 3.13 On July 18, 2005, PDC staff received a response from the Port of Everett to the allegations listed in Mr. Pope's 45-day letter. **See Exhibit #7.** The response included a 2-page letter, and 42 emails that were requested by PDC staff. Port of Everett's Deputy Director, Ed Paskovskis stated the following:

**"...the Port of Everett had no part in endorsing the Keep Washington Rolling agenda nor did it authorize the use of its name. When the Port was notified that its name was being erroneously listed as an endorser, it communicated to Keep Washington Rolling requesting removal of its name from that organizations' advertising..."**

- 3.14 The Port of Everett had no documents regarding meetings of the Port of Everett Commission addressing or discussing either I-912 or KWR. Mr. Paskovskis said that neither issue had been addressed or discussed by the Port of Everett Commissioners.
- 3.15 Of the 42 emails provided by the Port of Everett, none included any reference about supporting or endorsing KWR, or opposing Initiative 912.

**Port of Seattle:**

- 3.16 On July 15, 2005, PDC staff received the response from Port of Seattle General Counsel Craig R. Watson, to the allegation listed in Mr. Pope's complaint. **See Exhibit #8.** The response included a 2-page letter and 70 emails that were received and sent by Port of Seattle Commissioners and employees related to PDC staffs request for information. The letter from Mr. Watson stated the following:

**"The Port of Seattle unequivocally denies that it authorized the use of its name by any political action committee involved with Initiative 912. In particular, we did not authorize the use of the Port's name by "Citizens for Better Transportation" or "Keep Washington Rolling."**

**"...it does not appear that the Port's authorization was even requested. Following receipt of Mr. Pope's complaint, we were contacted by a representative of the Keep Washington Rolling committee and were advised that the committee had used the Port of Seattle's name in error and that the committee would immediately cease using the Port's name."**

- 3.17 Of the 70 emails provided by the Port of Seattle, none included any reference about supporting or endorsing KWR, or opposing Initiative 912.

**Port of Tacoma:**

- 3.18 On July 18, 2005, PDC staff received the response from the Port of Tacoma to the allegation listed in Mr. Pope's complaint. **See Exhibit #9.** The response included a 2-page letter from Charla Skaggs, Port of Tacoma Assistant to the Executive Director, and 55 emails related to a PDC staff request for information.
- 3.19 Ms. Skaggs stated that the Port of Tacoma did not authorize or approve KWR to include its name on the KWR website. She said that no Port of Tacoma Commissioner(s) or staff persons had knowledge that the Port of Tacoma had been or was going to be included on the KWR website.
- 3.20 Ms. Skaggs further stated that the Port of Tacoma has no documents of meetings that addressed or discussed either I-912 or KWR, because no such meetings occurred. She said that neither issue had been addressed or discussed by the Port of Tacoma Commissioners.
- 3.21 Of the 55 emails provided by the Port of Tacoma, none included any reference about supporting or endorsing KWR, or opposing Initiative 912.

**Puget Sound Regional Council:**

- 3.22 On July 14, 2005, the PSRC sent a letter to PDC staff regarding the 45-day letter filed by Richard Pope. **See Exhibit #10.** PSRC was first notified that the agency was listed on the Keep Washington Rolling website by Mr. Pope via an email dated June 30, 2005. PSRC stated that a staff person "immediately contacted a representative of the KWR campaign asking that the agency be removed from the website." The letter went on to state the following:

**"No one employed by or acting on behalf of the agency authorized Keep Washington Rolling to include PSRC on their website, nor had knowledge that PSRC was erroneously listed. The campaign acknowledged their error and apologized to Rick Olson, PSRC's Director of Government Relations and Communications. We understand that Keep Washington Rolling's website was updated that day to remove PSRC's name. PSRC has not taken a position on the proposed ballot measure and is not a member of any political committee."**

- 3.23 The PSRC provided the minutes of the two meetings in which Initiative 912 or Keep Washington Rolling was either addressed or discussed. The minutes of the May 12, 2005, Transportation Policy Board meeting show that Rick Olson, PSRC's Director of Government Relations and Communications, reported that an initiative on the gas tax increase was possible. Also during a May 23, 2005, internal management meeting, the possibility of initiatives was mentioned during a general legislative update.
- 3.24 The PSRC delivered to PDC staff, 33 emails that had been sent or received by its employees during calendar year 2005 that either discussed or addressed Initiative 912 or Keep Washington Rolling. The majority of those emails concerned the 45-day citizen action letter from Mr. Pope, with the remaining emails being informational in nature.
- 3.25 The PSRC did not take a position on the proposed ballot measure, Initiative 912, at any meetings that were held. Of the 33 emails provided by the PSRC, none included any reference about supporting or endorsing KWR, or being opposed to Initiative 912.

**Washington State Association of Counties:**

- 3.26 Based on the court decision in Telford vs. Thurston County Board of Commissioners, the Washington Court of Appeals held that the Washington State Association of Counties (WSAC) is the functional equivalent of a public agency for purposes of the Public Disclosure Act. PDC staff investigated the circumstances surrounding WSAC being listed on KWR's website in opposition to Initiative 912.
- 3.27 On July 6, 2005, WSAC Assistant Executive Director Paul Parker sent an electronic message to PDC staff in response to the allegations listed in the 45-day letter. On July 18, 2005, WSAC provided a letter and 17 emails related to a PDC staff request for information. **See Exhibit #11.** The July 1, 2005, email stated that WSAC was informed that they and other organizations had been wrongly listed as opponents of Initiative 912 on the KWR website. The email also stated that WSAC has not participated in any way with any initiative campaign, and that by the time they reviewed the "Keep Washington Rolling" website, their organization was no longer listed as a supporter. The WSAC email went on to state:

**"In short, any reference to WSAC regarding this ballot measure was without our knowledge or consent. In accordance with PDC and Attorney General guidance, WSAC does not take positions on any ballot measure and has not taken a position in this matter.**

**If any individual or group seeks the political endorsement of WSAC we clearly inform them that we are not permitted to support or oppose ballot measures."**

- 3.28 Of the 17 emails provided by the Washington State Association of Counties, none included any reference about supporting or endorsing KWR, or opposing Initiative 912.
- 3.29 In all matters related to this investigation, Keep Washington Rolling, Charles Knutson, Pacific Public Affairs, the Puget Sound Regional Council, Port of Everett, Port of Seattle Port of Tacoma, the Association of Washington Cities and Washington State Association of Counties have fully cooperated.

#### **IV.** **Scope**

- 4.1 Public Disclosure Commission (PDC) staff reviewed the 45-day citizen action letter filed by Richard Pope.
- 4.2 PDC staff reviewed the following documents:
- A letter from Washington State Association of Counties (WSAC) received on July 6, 2005;
  - Response and emails received from the Puget Sound Regional Council on July 14, 2005;
  - Response and emails received from the Port of Seattle on July 15, 2005;
  - Response and emails received from WSAC on July 18, 2005;
  - Response and emails received from the Port of Tacoma on July 18, 2005;
  - Response and emails received from the Port of Everett on July 18, 2005;
- 4.3 On July 21, 2005, PDC staff conducted a telephone interview under oath with David Fisher and Lily Eng, employees of Pacific Public Affairs and consultants for the Keep Washington Rolling political committee.
- 4.4 Mr. Fisher also submitted five electronic messages on July 21, 2005, in response to a PDC staff request for additional information.



- 4.5 On July 22, 2005, PDC staff conducted a telephone interview under oath with Charles Knutson, Vice-President of Government Affairs for the Greater Seattle Chamber of Commerce and a campaign consultant for KWR.
- 4.6 Mr. Knutson submitted a copy of the Transportation Partnership letterhead to PDC staff on July 22, 2005.
- 4.7 Mr. Knutson submitted two electronic messages to PDC staff providing additional information related to the Transportation Partnership on July 25, 2005.

## V. Law & Administrative Rules

- 5.1 **RCW 42.17.130** states the following:

"No elective official nor any employee of his office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency: PROVIDED, That the foregoing provisions of this section shall not apply to the following activities:

(1) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;

(3) Activities which are part of the normal and regular conduct of the office or agency."

5.2 **WAC 390-05-271** states the following:

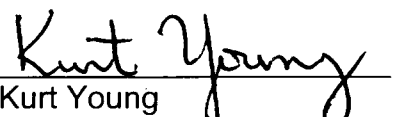
**"General applications of RCW 42.17.130.** (1) RCW 42.17.130 does not restrict the right of any individual to express his or her own personal views concerning, supporting, or opposing any candidate or ballot proposition, if such expression does not involve a use of the facilities of a public office or agency.

(2) RCW 42.17.130 does not prevent a public office or agency from (a) making facilities available on a nondiscriminatory, equal access basis for political uses or (b) making an objective and fair presentation of facts relevant to a ballot proposition, if such action is part of the normal and regular conduct of the office or agency."

5.3 **WAC 390-05-273** states in part the following:

"Normal and regular conduct of a public office or agency, as that term is used in the proviso to RCW 42.17.130, means conduct which is (1) lawful, i.e., specifically authorized, either expressly or by necessary implication, in an appropriate enactment, and (2) usual, i.e., not effected or authorized in or by some extraordinary means or manner. No local office or agency may authorize a use of public facilities for the purpose of assisting a candidate's campaign or promoting or opposing a ballot proposition, in the absence of a constitutional, charter, or statutory provision separately authorizing such use."

Respectfully submitted this 3<sup>RD</sup> day of August, 2005.

  
Kurt Young  
Chief Political Finance Specialist

**List of Exhibits:**

- |                    |                                                                                                                                                            |
|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Exhibit #1</b>  | July 1, 2005, a 45-day citizen action letter was filed by Richard Pope.                                                                                    |
| <b>Exhibit #2</b>  | Citizens for Better Transportation filed a Committee Registration Statement (PDC Form C-1pc) on June 1, 2005, indicating its opposition to Initiative 912. |
| <b>Exhibit #3</b>  | Amended C-1pc filed on June 15, 2005, by Keep Washington Rolling stating that the committee had changed its name.                                          |
| <b>Exhibit #4</b>  | On July 15, 2005, KWR submitted a response to the complaint filed by Mr. Pope.                                                                             |
| <b>Exhibit #5</b>  | A copy of Transportation Partnership letterhead was provided to PDC staff by Mr. Knutson on July 22, 2005.                                                 |
| <b>Exhibit #6</b>  | A copy of a page from KWR's website that listed the names of organization that were detailed in Mr. Pope's 45-day letter.                                  |
| <b>Exhibit #7</b>  | July 18, 2005, response from the Port of Everett.                                                                                                          |
| <b>Exhibit #8</b>  | July 15, 2005, response from the Port of Seattle.                                                                                                          |
| <b>Exhibit #9</b>  | July 18, 2005, response from the Port of Tacoma.                                                                                                           |
| <b>Exhibit #10</b> | July 14, 2005, response from the Puget Sound Regional Council.                                                                                             |
| <b>Exhibit #11</b> | July 6 & 18, 2005, responses from the Washington State Association of Counties.                                                                            |

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July 1, 2005

**VIA FAX TO 360-664-0228 AND CERTIFIED MAIL**

**TOTAL PAGES: 18**

Honorable Robert M. McKenna  
Attorney General of Washington  
1125 Washington Street, S.E.  
Post Office Box 40100  
Olympia, Washington 98504

**RECEIVED**

JUL 5 - 2005

Re: Citizen Action Letter, RCW 42.17.400(4)  
Keep Washington Rolling  
Puget Sound Regional Council  
Port of Seattle  
Port of Everett  
Port of Tacoma

Public Disclosure Commission

Dear Attorney General McKenna:

I am sending this written notification pursuant to the citizen action provisions of RCW 42.17.400(4) to inform you that I have reason to believe that Keep Washington Rolling, Puget Sound Regional Council, Port of Seattle, Port of Everett, and Port of Tacoma may have violated RCW 42.17.130, relative to use of public agency facilities in campaigns. In the alternative, Keep Washington Rolling may be falsely representing in its political advertising that Puget Sound Regional Council, Port of Seattle, Port of Everett, and Port of Tacoma are members and supporters of its political committee.

Keep Washington Rolling is a political committee that was originally formed on or about June 1, 2005 under the name "Citizens for Better Transportation" for the purpose of opposing Initiative 912 (a measure which would repeal the 9.5 cent increase in the motor vehicle fuel tax approved this year under ESB 6103). On June 14, 2005, the organization changed its name to Keep Washington Rolling. According to the C1PC's filed with the Public Disclosure Commission, the only listed officers of this political committee are Charles Knutson (media contact) and Phillip Lloyd (treasurer). Each of the C1PC's states that the listing of other officers is TDB (to be determined).

Keep Washington Rolling maintains a campaign website at the web address of [www.keepwashingtonrolling.com](http://www.keepwashingtonrolling.com). Keep Washington Rolling maintains a listing of some of the members of its political committee at [www.keepwashingtonrolling.com/who.html](http://www.keepwashingtonrolling.com/who.html).

Among the "Organizations" supposedly belonging to Keep Washington Rolling are at least four Washington public agencies: three port districts established under Title 53 RCW – Port of Seattle, Port of Everett and Port of Tacoma, and one interlocal agency established under Chapter 39.34 RCW – Puget Sound Regional Council.

Membership of these four public agencies in a political committee supporting or opposing a ballot proposition would seem to be a clear violation of RCW 42.17.130:

**EXHIBIT #1**

**1 of 18**

**RCW 42.17.130 Forbids use of public office or agency facilities in campaigns.**

**RECEIVED**

**JUL 6 - 2005**

No elective official nor any employee of his office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting Public Disclosure Commission campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency: PROVIDED, That the foregoing provisions of this section shall not apply to the following activities:

(1) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;

(3) Activities which are part of the normal and regular conduct of the office or agency.

At most, RCW 42.17.130(1) would allow these four public agencies to take an up or down vote on whether to support or oppose I-912 at an open public meeting. The meeting agenda would have to conspicuously include notice that the agency was going to vote on support or opposition to the ballot measure, as well as opportunity for public comment on the matter at the meeting. Nothing in RCW 42.17.130 would authorize any public agency to become a member or public endorser of any political committee.

Needless to say, it was very alarming to me to view the Keep Washington Rolling website and see public agencies listed as alleged members of this political committee. I immediately recognized the three port districts as being public agencies, and sent off e-mails to each of them, pointing out that Keep Washington Rolling had their agencies listed as members of that organization, and that I believe this to be in violation of state law. My e-mails also included a public records request for "the minutes and agendas from any meeting of the (relevant public agency) at any time during the 2005 calendar year in which either: (1) Initiative 912 was addressed or discussed in any way or (2) Keep Washington Rolling was addressed or discussed in any way."

I received responses from the Port of Everett and Port of Seattle within just a few hours of sending my e-mails. The Port of Everett's response, given by Deputy Executive Director Ed Paskovskis, unequivocally denied involvement in Keep Washington Rolling:

Thanks for bringing this matter to our attention. The Port Commission has not taken a position on Initiative 912, nor was the "Keep Washington Rolling" organization authorized to list the Port of Everett as a member. Furthermore, the topic has not been on any Commission agendas, recorded minutes or addressed or discussed in any way.

E-Mail from Paskovskis (Port of Everett) to Pope, June 30, 2005

**EXHIBIT #1**

**2 of 18**

The response from the Port of Seattle, given by Public Records Specialist Vanessa Ressler, was somewhat more nuanced. It stated that neither topic (Keep Washington Rolling or I-912) was ever discussed by the commissioners in any public meeting during 2005, but did not unequivocally deny any involvement with the political committee:

The Commission Meeting Minutes have been searched and neither of these topics was discussed in any of the open public sessions. In addition your e-mail has been forwarded to the Legal Department for additional review of your questions.

RECEIVED

JUL 6 - 2005

E-Mail from Ressler (Port of Seattle) to Pope, June 30, 2005

Public Disclosure Commission

I have not yet received any response from the Port of Tacoma. However, under state law, a public agency does have five business days to respond to records requests.

After examining the list of alleged members of Keep Washington Rolling again last evening, I also noticed that the first organization listed, Puget Sound Regional Council, was also a public agency. So I sent a similar e-mail to that agency yesterday evening, which they obviously have not yet had sufficient time to make any response to.

I was able to locate the meeting agendas of the two most recent meetings of the Puget Sound Regional Council Executive Board on their website – namely for May 26, 2005 and June 23, 2005. These would have been the only open public meetings that have apparently been held since the Initiative 912 proposal was first filed with the Secretary of State on May 12, 2005 or Keep Washington Rolling was formed on or about June 1, 2005. Needless to say, neither of these topics appears anywhere on either agenda.

It would appear highly possible that Keep Washington Rolling is misrepresenting in its website advertising that the Puget Sound Regional Council, Port of Seattle, Port of Everett, and Port of Tacoma are members of its political committee, when this does not appear to be very likely, and these public agencies have neither taken any action to join Keep Washington Rolling or even to express any formal position on Initiative 912 at all.

On the other hand, if any of these public agencies has taken any action to join the Keep Washington Rolling political committee or otherwise given this political committee any assistance in its battle over Initiative 912 (except for the general ability to take either an up-or-down vote on supporting or opposing this ballot measure at an open public meeting with notice given on its agenda), this would be a clear violation of RCW 42.17.130 by using the facilities of a public agency to support a ballot measure.

This would be a violation of RCW 42.17.130 even in the event that such support of Initiative 912 and/or Keep Washington Rolling was not formally authorized by a vote of the governing bodies of these public agencies at an open public meeting. It would be just as much a violation of RCW 42.17.130 if members of the governing board of a public agency authorized such support of a ballot measure or membership in a political committee informally without holding a public meeting, or if officers or employees of such public agency purportedly authorized such support or membership, even though they lacked proper authorization from the governing board to take such action.

I realize it is unusual to file a "citizen action letter" under RCW 42.17.400(4), when normally people simply file a complaint with the Public Disclosure Commission. But this is a very important ballot measure, involving the largest tax increase in our state's history, as well as other unprecedented actions under Chapter 42.17 RCW.

EXHIBIT #1

3 of 18

RECEIVED

Honorable Robert M. McKenna -- Page 4

JUL 6 - 2005

July 1, 2005

For example, <sup>Public Disclosure Commission</sup> on June 22, 2005, San Juan County Prosecuting Attorney Randall Gaylord filed a lawsuit against NoNewGasTax.Com, the political committee supporting Initiative 912, in Thurston County Superior Court No. 05-2-01205-3. This apparently was the first time that any county prosecuting attorney had ever filed a lawsuit under RCW 42.17.400(1) to enforce any of the provisions of Chapter 42.17 RCW relating to political campaigns. In addition, this was apparently the first time that any lawsuit had been brought for enforcement of such provisions without the matter previously having been referred to the Public Disclosure Commission for complaint and investigation.

The lawsuit filed by Mr. Gaylord apparently involved relatively minor errors in reporting of otherwise legal contributions by members of the public made over the internet to NoNewGasTax.Com. Apparently, there was some difficulty in being able to get accurate information to fully report some of these contributions to the PDC. And Mr. Gaylord also came up with the novel theory that discussion of Initiative 912 on radio talk shows somehow involved a reportable in-kind contribution to the initiative campaign, even though Chapter 42.17 RCW expressly exempts media organizations in this regard.

I believe that the possibility (and definitely the open allegation publicly made by Keep Washington Rolling) that important public agencies, such as Puget Sound Regional Council, Port of Seattle, Port of Everett, and Port of Tacoma, have joined this political committee or are otherwise using their facilities to support Initiative 912 in violation of RCW 42.17.130, is much more serious than the minor technical violations that Mr. Gaylord has complained about in his recent and unprecedented civil lawsuit.

Likewise, if Keep Washington Rolling is falsely representing that Puget Sound Regional Council, Port of Seattle, Port of Everett, and Port of Tacoma are members of its political committee, when they are not, and implying that these public agencies have formally taken a position on Initiative 912, when they have apparently not done so, this would also be an extremely serious matter at least meriting formal attention and action.

Between them, Puget Sound Regional Council, Port of Seattle, Port of Everett, and Port of Tacoma represent the entire geographical areas of King, Snohomish, Pierce and Kitsap Counties. The first three counties are the three most heavily populated counties in the State of Washington. Between them, these four counties contain more than half of both the population and the registered voters in the State of Washington.

Improper membership by important public agencies in a political committee and/or improper use of the facilities of these agencies to support or oppose a ballot measure, especially one involving the largest tax increase in state history, would be an extremely serious matter. So would improper representations by Keep Washington Rolling that these public agencies are members of its political committee or support its position.

I would point out that your office has not hesitated to take civil enforcement action under RCW 42.17.400(1) when important matters regarding misrepresentation related to initiative campaigns have been presented. For example, your office filed suit against veteran initiative promoter Tim Eyman and other related parties in Snohomish County Superior Court No. 02-2-08212-1. Mr. Eyman had publicly represented that he was not being compensated for his work in promoting his various initiative measures, when this evidently was not the case and he was receiving considerable amounts of compensation. This misrepresentation was a matter of extreme public concern, and I believe a citizen action letter may have been filed with your office as well. In any event, the Public Disclosure Commission referred the matter to your office. Your predecessor initiated the lawsuit, and tens of thousands of dollars in various penalties were recovered.

EXHIBIT #1

4 of 18

In addition, Mr. Gaylord and Keep Washington Rolling issued a joint press release on June 22, 2005, in which they announced the filing of Mr. Gaylord's lawsuit against NoNewGasTax.Com in Thurston County Superior Court. Mr. Gaylord and Keep Washington Rolling were adamant in their press release, not only about the technical violations related to the reporting of campaign contribution, but also in their claims that NoNewGasTax.Com was "purposefully misrepresenting" material facts in their public advertising and material in order to gain public support for their position on the initiative.

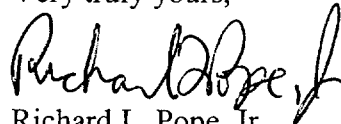
Obviously, if Keep Washington Rolling believes that their opposing political committee should be sued for allegedly "purposefully misrepresenting" material facts in their public advertising and material, then it is appropriate that stringent enforcement measures be taken against Keep Washington Rolling if that political committee appears to be "purposefully misrepresenting" material facts in its own public advertising and material in order to gain public support for its own position regarding Initiative 912.

If enforcement action is not commenced by filing a civil action in court in the name of the State of Washington, within forty-five days of your receipt of this written notification, I reserve my right under RCW 42.17.400(4) to give a second written notification that I will commence citizen's action in the name of the State of Washington over these matters if there has been further failure to so act within ten days of the receipt of such second written notification, and thereafter commence a civil action on my own initiative in the name of the State of Washington over these matters.

I am also forwarding a copy of this citizen action letter to the prosecuting attorneys of King, Snohomish, Pierce and Kitsap Counties. These four counties involve the territory served by Puget Sound Regional Council, Port of Seattle, Port of Everett, and Port of Tacoma. In addition, Keep Washington Rolling appears headquartered in King County. I am sending a copy to the Thurston County Prosecuting Attorney, since that is where the state capitol is located. Finally, I am sending a copy to the San Juan County Prosecuting Attorney, since he has seen fit to sue NoNewGasTax.Com over matters related to this initiative. Perhaps the prosecuting attorney of this small (but important) county is fair-minded and wants to make sure PDC laws are enforced even-handedly.

Thank you for your careful attention in this matter.

Very truly yours,

  
Richard L. Pope, Jr.

RECEIVED

JUL 5 - 2005

Public Disclosure Commission

Enclosures:

1. Keep Washington Rolling PDC Filings of C1PC, 06/14/2005 and 06/01/2005
2. Keep Washington Rolling list of alleged members from its website, 06/30/2005
3. Port of Everett Response to Pope Public Records Request, 06/30/2005
4. Port of Seattle Response to Pope Public Records Request, 06/30/2005
5. Pope Public Records Request to Port of Tacoma, 06/30/2005
6. Pope Public Records Request to Puget Sound Regional Council, 06/30/2005
7. Keep Washington Rolling and Randall Gaylord Press Release, 06/22/2005

EXHIBIT #1  
5 of 13



**DECLARATION**

I declare under penalty of perjury under the laws of the State of Washington that the above and foregoing is true and correct to the best of my knowledge and belief.

Signed at Bellevue, Washington on July 1, 2005.

  
RICHARD L. POPE, JR.

**RECEIVED**

JUL 5 - 2005

Public Disclosure Commission

Cc: Vicki Rippie  
Executive Director  
Public Disclosure Commission  
711 Capitol Way, Room 206  
Post Office Box 40908  
Olympia, Washington 98504-0908  
**FAX TO 360-753-1112 AND REGULAR MAIL**

Honorable Norman K. Maleng  
King County Prosecuting Attorney  
516 Third Avenue, Room W-554  
Seattle, Washington 98104  
**FAX TO 206-296-9013 AND CERTIFIED MAIL**

Honorable Janice E. Ellis  
Snohomish County Prosecuting Attorney  
3000 Rockefeller Avenue, M/S 504  
Everett, Washington 98201  
**FAX TO 425-388-3572 AND CERTIFIED MAIL**

Honorable Gerald A. Horne  
Pierce County Prosecuting Attorney  
930 Tacoma Avenue South, Room 946  
Tacoma, Washington 98402  
**FAX TO 253-798-6636 AND CERTIFIED MAIL**

Honorable Russell D. Hauge  
Kitsap County Prosecuting Attorney  
614 Division Street, MSC 35  
Port Orchard, Washington 98366  
**FAX TO 360-337-4949 AND CERTIFIED MAIL**

Honorable Edward G. Holm  
Thurston County Prosecuting Attorney  
2000 Lakeridge Drive, S.W., # 2  
Olympia, Washington 98502  
**FAX TO 360-754-3358 AND CERTIFIED MAIL**

Honorable Randall Gaylord  
San Juan County Prosecuting Attorney  
Post Office Box 760  
Friday Harbor, Washington 98250  
**FAX TO 360-378-3180 AND CERTIFIED MAIL**

**EXHIBIT #1**

6 of 18



# Political Committee Registration

**C1PC**  
(8/01)

DATE FILED PDC  
JUN 14 2005

Committee Name (Show entire official name.)

**Keep Washington Rolling (formerly Citizens for Better Transportation)**

Acronym:

Telephone:

**RECEIVED**

Mailing Address

PO Box 2505

Fax:

JUL 5 - 2005

City

Seattle

County

WA

Zip + 4

98111

E-mail:

Public Disclosure Commission

## NEW OR AMENDED REGISTRATION?

- ☐ NEW. Complete entire form.  
☒ AMENDS previous report. Complete entire form.

## COMMITTEE STATUS

- ☐ Continuing (On-going; not established in anticipation of any particular campaign election.)  
☒ 2005 election year only. Date of general or special election: **November 8**  
 (Year)

1. What is the purpose or description of the committee?

- ☐ **Bona Fide Political Party Committee** - official state or county central committee or legislative district committee. If you are not supporting the entire party ticket, attach a list of or specify here the names of the candidates you support.

- ☒ **Ballot Committee** - Initiative, Bond, Levy, Recall, etc. Name or description of ballot measure:

Ballot Number FOR AGAINST

**I-912**

☐ ☒

**Initiative to Repeal the Gas Tax Increase**

- ☐ **Other Political Committee** - PAC, caucus committee, political club, etc. If committee is related or affiliated with a business, association, union or similar entity, specify name:

For single election-year only committees (not continuing committees): Is the committee supporting or opposing

- (a) one or more candidates? ☐ Yes ☐ No If yes, attach a list of each candidate's name, office sought and political party affiliation.

- (b) the entire ticket of a political party? ☐ Yes ☐ No If yes, identify the party:

2. Related or affiliated committees. List name, address and relationship.

☐ Continued on attached sheet

3. How much do you plan to spend during this entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below. (If your committee status is continuing, estimate spending on a calendar year basis.)

If no box is checked you are obligated to use Full Reporting. See instruction manuals for information about reports required and changing reporting options.

### ☐ MINI REPORTING

Mini Reporting is selected. No more than \$3,500 will be raised or spent and no more than \$300 in the aggregate will be accepted from any one contributor.

### ☒ FULL REPORTING

Full Reporting is selected. The frequent, detailed campaign reports mandated by law will be filed as required.

4. Campaign Manager's or Media Contact's Name and Address

Charles Knutson PO Box 2505 Seattle, WA 98111

Telephone Number:

(206) 389-7295

5. Treasurer's Name and Address (List deputy treasurers on attached sheet.)

Philip Lloyd PO Box 2505 Seattle, WA 98111

☒ Continued on attached sheet

Daytime Telephone Number:

(206) 932-8878

6. Committee Officers. List name, title, and address. Continue on attached sheet if necessary. See reverse for definition of "officer."

☐ Continued on attached sheet

TBD

7. Campaign Bank or Depository

Bank of America

Branch

West Seattle

City

Seattle

8. Campaign books must be open to the public, except on a weekend or legal holiday, during the eight days before the election: (a) on the eighth day for two consecutive hours between 8 a.m. and 8 p.m.; if the eighth day is a legal holiday - two consecutive hours on the seventh day between 8 a.m. and 8 p.m.; and (b) on the other weekdays by appointment between 8 a.m. and 8 p.m. Specify location and hours below. It is not acceptable to provide a post office box or an out-of-area address.

Street Address, Room Number, City

Hours (Two consecutive hours; see 8(a))

5236 36<sup>th</sup> Ave SW Seattle, WA 98126

10:00 am to 12:00 noon

In order to make an appointment, contact the campaign at (telephone, fax, e-mail): (206) 255-3367

9. Eligibility to Give to State Office Candidates: During the 180 days prior to making a contribution to a state office candidate, your committee must have received contributions of \$10 or more from at least ten persons registered to vote in Washington State.

- ☒ A check here indicates your awareness of and pledge to comply with this provision. Absence of a check mark means your committee does not qualify to give to state office candidates (legislative and statewide executive candidates).

10. Signature and Certification: I certify that this statement is true, complete and correct to the best of my knowledge.

Committee Treasurer's Signature

Date

*[Signature]* 6/13/05

Need campaign finance forms and instructions?

Please check one of the following boxes.

- ☒ I already have forms and instructions.  
☐ I will get forms and instructions from my county elections office.  
☐ I want the Public Disclosure Commission to mail me the proper forms and instructions.

Distribution of This Report:

ORIGINAL - Public Disclosure Commission  
 COPY - County Elections Office (Auditor)  
 COPY - Your own records

EXHIBIT #1  
7 of 16



# Political Committee Registration

**C1Pc**  
(6/01)

DATE FILED PDC  
JUN 1 - 2005

Committee Name (Show entire official name.)

**Citizens for Better Transportation**

Acronym:

**RECEIVED**

Telephone:

Mailing Address

**PO Box 2505**

Fax:

**JUL 5 - 2005**

City  
**Seattle**

County  
**WA**

Zip + 4  
**98111**

E-mail:

**Public Disclosure Commission**

## NEW OR AMENDED REGISTRATION?

- ☒ **NEW**. Complete entire form.  
☐ **AMENDS** previous report. Complete entire form.

## COMMITTEE STATUS

- ☐ Continuing (On-going; not established in anticipation of any particular campaign election.)  
☒ **2005** election year only. Date of general or special election: **November 8**  
 (Year)

## 1. What is the purpose or description of the committee?

- ☐ **Bona Fide Political Party Committee** - official state or county central committee or legislative district committee. If you are not supporting the entire party ticket, attach a list or specify here the names of the candidates you support.

- ☒ **Ballot Committee** - Initiative, Bond, Levy, Recall, etc. Name or description of ballot measure:

Ballot Number

FOR AGAINST

**Initiative to Repeal the Gas Tax Increase**
**1-912**
☐
☒

- ☐ **Other Political Committee** - PAC, caucus committee, political club, etc. If committee is related or affiliated with a business, association, union or similar entity, specify name:

For single election-year only committees (not continuing committees): Is the committee supporting or opposing

(a) one or more candidates? ☐ Yes ☐ No If yes, attach a list of each candidate's name, office sought and political party affiliation.(b) the entire ticket of a political party? ☐ Yes ☐ No If yes, identify the party.

## 2. Related or affiliated committees. List name, address and relationship.

☐ Continued on attached sheet

## 3. How much do you plan to spend during this entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below. (If your committee status is continuing, estimate spending on a calendar year basis.)

If no box is checked you are obligated to use Full Reporting. See instruction manuals for information about reports required and changing reporting options.

☐ **MINI REPORTING**

Mini Reporting is selected. No more than \$3,500 will be raised or spent and no more than \$300 in the aggregate will be accepted from any one contributor.

☒ **FULL REPORTING**

Full Reporting is selected. The frequent, detailed campaign reports mandated by law will be filed as required.

## 4. Campaign Manager's or Media Contact's Name and Address

**Charles Knutson PO Box 2505 Seattle, WA 98111**

Telephone Number:

**(206) 389-7295**

## 5. Treasurer's Name and Address (List deputy treasurers on attached sheet.)

**Philip Lloyd PO Box 2505 Seattle, WA 98111**
☒ Continued on attached sheet

Daytime Telephone Number:

**(206) 932-8878**

## 6. Committee Officers. List name, title, and address. Continue on attached sheet if necessary. See reverse for definition of "officer."

**TBD**
☐ Continued on attached sheet

## 7. Campaign Bank or Depository

**Bank of America**

Branch

**West Seattle**

City

**Seattle**

## 8. Campaign books must be open to the public, except on a weekend or legal holiday, during the eight days before the election: (a) on the eighth day for two consecutive hours between 8 a.m. and 8 p.m.; if the eighth day is a legal holiday - two consecutive hours on the seventh day between 8 a.m. and 8 p.m.; and (b) on the other weekdays by appointment between 8 a.m. and 8 p.m. Specify location and hours below. It is not acceptable to provide a post office box or an out-of-area address.

Street Address, Room Number, City

Hours [Two consecutive hours; see 8(a)]

**5236 36<sup>th</sup> Ave SW Seattle, WA 98126**
**10:00 am to 12:00 noon**

 In order to make an appointment, contact the campaign at (telephone, fax, e-mail): **(206) 255-3367**

## 9. Eligibility to Give to State Office Candidates: During the 180 days prior to making a contribution to a state office candidate, your committee must have received contributions of \$10 or more from at least ten persons registered to vote in Washington State.

- ☒ A check here indicates your awareness of and pledge to comply with this provision. Absence of a check mark means your committee does not qualify to give to state office candidates (legislative and statewide executive candidates).

## 10. Signature and Certification. I certify that this statement is true, complete and correct to the best of my knowledge.

Committee Treasurer's Signature

Date

**6-1-05**

## Need campaign finance forms and instructions?

Please check one of the following boxes.

☒ I already have forms and instructions.

☐ I will get forms and instructions from my county elections office.

☐ I want the Public Disclosure Commission to mail me the proper forms and instructions.

## Distribution of This Report:

 ORIGINAL - Public Disclosure Commission  
 COPY - County Elections Office (Auditor)  
 COPY - Your own records

**EXHIBIT #1**  
**8 of 18**

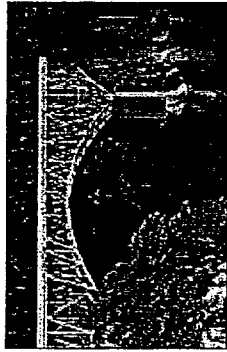
RECEIVED

JUL 6 - 2005

Public Disclosure Commission

# Keep Washington Rolling! Initiative 912 is a Bad Idea!

Home | Who We Are | How to Help | Project List | Debunking I-912 | Fast Facts | What Others Are Saying | News



Keep Washington Rolling is a broad group of transportation supporters that has launched a campaign to stop a shortsighted initiative that will halt the repair and maintenance of our state's roads and make them less safe.

Keep Washington Rolling includes labor organizations, business groups, some of Washington's biggest employers as well as environmental groups.

## Organizations

- Puget Sound Regional Council
- Greater Seattle Chamber of Commerce
- Washington State Labor Council
- Bellevue Chamber of Commerce
- American Council of Engineering Companies - Washington
- Associated General Contractors of Washington
- Association of Washington Cities
- Bellevue Downtown Association
- Building Owners & Managers Association Seattle King County
- Cascadia Center of the Discovery Institute
- Downtown Seattle Association
- Everett Area Chamber of Commerce
- Futurewise
- Issaquah Chamber of Commerce
- Kirkland Chamber of Commerce
- League of Women Voters of WA
- Master Builders Association of King and Snohomish Counties
- National Association of Industrial and Office Properties
- People for Modern Transit
- Port of Everett
- Port of Seattle
- Port of Tacoma
- Redmond Chamber of Commerce
- Renton Chamber of Commerce
- Seattle-King County Association of Realtors
- Snohomish County Committee for Improved Transportation
- S. Snohomish Chamber of Commerce
- Washington Association of Realtors
- Washington Roundtable
- Washington State Association of Counties
- WashPIRG
- Women's Transportation Seminar
- Washington Environmental Council
- Washington Conservation Voters

## Unions

- International Association of Machinists & Aerospace Workers No. 751
- International Federation of Professional and Technical Engineers No. 17
- Seattle/King County Building and Construction Trades Council, AFL-CIO
- Society of Professional Engineering Employees in Aerospace (SPEEA)
- Washington State Building and Construction Trades Council

EXHIBIT #1

9 of 18

- Washington State Labor Council, AFL-CIO

**Businesses**

- Bank of America
- Bannecker & Associates
- Ben Bridge
- The Boeing Company
- CH2MHill
- David Evans and Associates
- Egis Real Estate Services
- EnviroIssues
- Equity Office
- Foster Pepper & Shefelman
- Hal Woosley Properties
- HNTB
- INCA Engineers
- KBA Construction Management
- Kelley Public Affairs
- KPFF
- Merrill Lynch

- Microsoft
- Parametrix
- Parsons Brinckerhoff
- PEMCO Financial Services
- Port Blakely Companies
- Preston Gates & Ellis
- Puget Sound Energy
- Rowley Properties, Inc.
- Seattle-Northwest Securities
- Symetra Financial
- Unico Properties
- Washington Mutual
- Wilbur Smith Associates
- Weyerhaeuser
- WTS Western Systems, Inc.
- Vulcan Inc.
- Weyerhaeuser

**RECEIVED**

JUL 5 - 2005

Public Disclosure Commission

**EXHIBIT #1**  
10 of 18

Subj: **RE: Port of Everett Position Re I-912 and/or "Keep Washington Rolling"**  
Date: 6/30/2005 3:44:04 P.M. Pacific Daylight Time  
From: EdP@portofeverett.com  
To: RPope98155@aol.com, JohnM@portofeverett.com

RECEIVED

JUL 6 - 2005

Public Disclosure Commission

Mr. Pope:

Thanks for bringing this matter to our attention. The Port Commission has not taken a position on Initiative 912, nor was the "Keep Washington Rolling" organization authorized to list the Port of Everett as a member. Furthermore, the topic has not been on any Commission agendas, recorded minutes or addressed or discussed in any way.

Please do not hesitate to contact me if we can provide any further clarification.

Ed Paskovskis,  
Deputy Executive Director

-----Original Message-----

**From:** RPope98155@aol.com [mailto:RPope98155@aol.com]  
**Sent:** Thursday, June 30, 2005 12:55 PM  
**To:** John Mohr; Ed Paskovskis; webmaster  
**Subject:** Port of Everett Position Re I-912 and/or "Keep Washington Rolling"

I recently looked on the website of "Keep Washington Rolling", which is a political committee formed to oppose Initiative 912 (the measure which would repeal the recent 9.5 cent per gallon gasoline tax increase).

The Port of Everett is listed as a member of this political committee:

<http://www.keepwashingtonrolling.com/who.html>

I have attached a copy of RCW 42.17.130, which generally prohibits the office of public offices or agency facilities in political campaigns, including ballot measures. It is my belief that the membership of a public agency, such as the Port of Everett, in a political committee organized to support or oppose a ballot measure would violate RCW 42.17.130.

At most, RCW 42.17.130(1) would allow the Port of Everett Commission to take an up or down vote on whether to support or oppose I-912 at an open public meeting. The meeting agenda would have to conspicuously include notice that the agency was going to vote on support or opposition to the ballot measure, as well as opportunity for public comment on the matter at the meeting.

As a public records request, I would request the minutes and agendas from any meeting of the Port of Everett at any time during the 2005 calendar year in which either: (1) Initiative 912 was addressed or discussed in any way or (2) Keep Washington Rolling was addressed or discussed in any way.

If these are maintained in PDF, WORD or some other electronic format, I would prefer this public records request be answered by e-mailing the relevant electronic documents (if they exist) back to me at this e-mail address.

Richard Pope  
1839 151st Avenue, S.E.  
Bellevue, WA 98007  
(425) 747-4463

**RCW 42.17.130**  
**Forbids use of public office or agency facilities in campaigns.**

No elective official nor any employee of his office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly

Thursday, June 30, 2005 America Online

EXHIBIT #/ 11 of 15

or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency: PROVIDED, That the foregoing provisions of this section shall not apply to the following activities:

(1) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;

(3) Activities which are part of the normal and regular conduct of the office or agency.

RECEIVED

JUL 5 - 2005

Public Disclosure Commission

EXHIBIT #1  
12 of 19

Subj: **FW: Port of Seattle Position Re I-912 and/or "Keep Washington Rolling"**  
Date: 6/30/2005 3:54:18 P.M. Pacific Daylight Time  
From: [Ressler.V@portseattle.org](mailto:Ressler.V@portseattle.org)  
To: [RPope98155@aol.com](mailto:RPope98155@aol.com)

RECEIVED

JUL 5 - 2005

Mr. Pope:

Public Disclosure Commission

This is to acknowledge receipt of your public records request detailed below.

"As a public records request, I would request the minutes and agendas from any meeting of the Port of Seattle at any time during the 2005 calendar year in which either: (1) Initiative 912 was addressed or discussed in any way or (2) Keep Washington Rolling was addressed or discussed in any way."

The Commission Meeting Minutes have been searched and neither of these topics was discussed in any of the open public sessions. In addition your e-mail has been forwarded to the Legal Department for additional review of your questions.

Sincerely,

Vanessa Ressler  
Public Records Specialist  
Port of Seattle  
Phone: (206) 728-3094

X-MimeOLE: Produced By Microsoft Exchange V6.5.7226.0  
Return-Path: <[RPope98155@aol.com](mailto:RPope98155@aol.com)>  
MIME-Version: 1.0  
Content-Type: multipart/alternative;  
boundary="----=\_NextPart\_003\_01C57DA4.D0BBBC00"  
X-Mailer: 9.0 Security Edition for Windows sub 5200  
Full-name: RPope98155  
Content-class: urn:content-classes:message  
Subject: Port of Seattle Position Re I-912 and/or "Keep Washington Rolling"  
Date: Thu, 30 Jun 2005 11:52:08 -0700  
Message-ID: <196.4223de5c.2ff59958@aol.com>  
X-MS-Has-Attach:  
X-MS-TNEF-Correlator:  
From: <[RPope98155@aol.com](mailto:RPope98155@aol.com)>  
To: "Davis, Commissioner Patricia" <[patricia.davis@portseattle.org](mailto:patricia.davis@portseattle.org)>,  
"Edwards, Commissioner Bob" <[bob.edwards@portseattle.org](mailto:bob.edwards@portseattle.org)>,  
"Fisken, Commissioner Alec" <[alec.fisken@portseattle.org](mailto:alec.fisken@portseattle.org)>,  
"Miller, Commissioner Paige" <[paige.miller@portseattle.org](mailto:paige.miller@portseattle.org)>,  
"Molloy, Commissioner Lawrence" <[lawrence.molloy@portseattle.org](mailto:lawrence.molloy@portseattle.org)>,  
<[mic.dinsmore@portseattle.org](mailto:mic.dinsmore@portseattle.org)>,  
<[mr.dinsmore@portseattle.org](mailto:mr.dinsmore@portseattle.org)>,  
<[linda.strout@portseattle.org](mailto:linda.strout@portseattle.org)>,  
<[john.okamoto@portseattle.org](mailto:john.okamoto@portseattle.org)>,  
<[dan.thomas@portseattle.org](mailto:dan.thomas@portseattle.org)>  
Cc: <[RPope98155@aol.com](mailto:RPope98155@aol.com)>

I recently looked on the website of "Keep Washington Rolling", which is a political committee formed to oppose Initiative 912 (the measure which would repeal the recent 9.5 cent per gallon gasoline tax increase).

EXHIBIT #1  
13 of 16

Thursday, June 30, 2005 America Online



JUL 5 - 2005

The Port of Seattle is listed as a member of this political committee:

<http://www.keepwashingtonrolling.com/who.html>

**Public Disclosure Commission**

I have attached a copy of RCW 42.17.130, which generally prohibits the office of public offices or agency facilities in political campaigns, including ballot measures. It is my belief that the membership of a public agency, such as the Port of Seattle, in a political committee organized to support or oppose a ballot measure would violate RCW 42.17.130.

At most, RCW 42.17.130(1) would allow the Port of Seattle Commission to take an up or down vote on whether to support or oppose I-912 at an open public meeting. The meeting agenda would have to conspicuously include notice that the agency was going to vote on support or opposition to the ballot measure, as well as opportunity for public comment on the matter at the meeting.

I have looked through some of the recent Port of Seattle Commission agendas and minutes on your website, and don't seem to locate anything that would satisfy the requirements of RCW 42.17.130(1). However, I could be mistaken, and perhaps the relevant agenda or minutes also may not be posted.

As a public records request, I would request the minutes and agendas from any meeting of the Port of Seattle at any time during the 2005 calendar year in which either: (1) Initiative 912 was addressed or discussed in any way or (2) Keep Washington Rolling was addressed or discussed in any way.

Since these are maintained in PDF format, I would prefer this public records request be answered by e-mailing the relevant PDF documents (if they exist) back to me at this e-mail address.

Richard Pope  
1839 151st Avenue, S.E.  
Bellevue, WA 98007  
(425) 747-4463

**RCW 42.17.130**  
**Forbids use of public office or agency facilities in campaigns.**

No elective official nor any employee of his office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency: PROVIDED, That the foregoing provisions of this section shall not apply to the following activities:

(1) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;

(3) Activities which are part of the normal and regular conduct of the office or agency.

**EXHIBIT #1**

14 of 18

RECEIVED

JUL 5 - 2005

Subj: **Port of Tacoma Position Re I-912 and/or "Keep Washington Rolling"**  
Date: 6/30/2005 12:35:51 P.M. Pacific Daylight Time  
From: RPope98155  
To: cskaggs@portoftacoma.com

Public Disclosure Commission

I recently looked on the website of "Keep Washington Rolling", which is a political committee formed to oppose Initiative 912 (the measure which would repeal the recent 9.5 cent per gallon gasoline tax increase).

The Port of Tacoma is listed as a member of this political committee:

<http://www.keepwashingtonrolling.com/who.html>

I have attached a copy of RCW 42.17.130, which generally prohibits the office of public offices or agency facilities in political campaigns, including ballot measures. It is my belief that the membership of a public agency, such as the Port of Tacoma, in a political committee organized to support or oppose a ballot measure would violate RCW 42.17.130.

At most, RCW 42.17.130(1) would allow the Port of Tacoma Commission to take an up or down vote on whether to support or oppose I-912 at an open public meeting. The meeting agenda would have to conspicuously include notice that the agency was going to vote on support or opposition to the ballot measure, as well as opportunity for public comment on the matter at the meeting.

As a public records request, I would request the minutes and agendas from any meeting of the Port of Tacoma at any time during the 2005 calendar year in which either: (1) Initiative 912 was addressed or discussed in any way or (2) Keep Washington Rolling was addressed or discussed in any way.

If these are maintained in PDF, WORD or some other electronic format, I would prefer this public records request be answered by e-mailing the relevant electronic documents (if they exist) back to me at this e-mail address.

Richard Pope  
1839 151st Avenue, S.E.  
Bellevue, WA 98007  
(425) 747-4463

**RCW 42.17.130****Forbids use of public office or agency facilities in campaigns.**

No elective official nor any employee of his office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency: PROVIDED, That the foregoing provisions of this section shall not apply to the following activities:

(1) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;

(3) Activities which are part of the normal and regular conduct of the office or agency.

EXHIBIT #1  
15 of 18

RECEIVED

Subj: **Puget Sound Regional Council Position Re I-912 and/or "Keep Washington Rolling"** JUL 5 - 2005  
 Date: 6/30/2005 9:26:21 P.M. Pacific Daylight Time  
 From: RPope98155  
 To: [bdrewel@psrc.org](mailto:bdrewel@psrc.org), [mgulbranson@psrc.org](mailto:mgulbranson@psrc.org), [rolson@psrc.org](mailto:rolson@psrc.org), [rock@psrc.org](mailto:rock@psrc.org), [snelson@psrc.org](mailto:snelson@psrc.org),  
[orobinson@psrc.org](mailto:orobinson@psrc.org), [mdemry@psrc.org](mailto:mdemry@psrc.org), [mmarston@psrc.org](mailto:mmarston@psrc.org)  
 CC: RPope98155

Public Disclosure Commission

I recently looked on the website of "Keep Washington Rolling", which is a political committee formed to oppose Initiative 912 (the measure which would repeal the recent 9.5 cent per gallon gasoline tax increase).

The Puget Sound Regional Council is listed as a member of this political committee:

<http://www.keepwashingtonrolling.com/who.html>

I have attached a copy of RCW 42.17.130, which generally prohibits the office of public offices or agency facilities in political campaigns, including ballot measures. It is my belief that the membership of a public agency, such as the Puget Sound Regional Council, in a political committee organized to support or oppose a ballot measure would violate RCW 42.17.130.

At most, RCW 42.17.130(1) would allow the Puget Sound Regional Council to take an up or down vote on whether to support or oppose I-912 at an open public meeting. The meeting agenda would have to conspicuously include notice that the agency was going to vote on support or opposition to the ballot measure, as well as opportunity for public comment on the matter at the meeting.

As a public records request, I would request the minutes and agendas from any meeting of the Puget Sound Regional Council at any time during the 2005 calendar year in which either: (1) Initiative 912 was addressed or discussed in any way or (2) Keep Washington Rolling was addressed or discussed in any way.

If these are maintained in PDF, WORD or some other electronic format, I would prefer this public records request be answered by e-mailing the relevant electronic documents (if they exist) back to me at this e-mail address.

Richard Pope  
 1839 151st Avenue, S.E.  
 Bellevue, WA 98007  
 (425) 747-4463

#### RCW 42.17.130

#### Forbids use of public office or agency facilities in campaigns.

No elective official nor any employee of his office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency: PROVIDED, That the foregoing provisions of this section shall not apply to the following activities:

(1) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;

(3) Activities which are part of the normal and regular conduct of the office or agency.

**EXHIBIT #1**

16 of 16

RECEIVED

JUL 6 - 2005

# Keep Washington Rolling

Public Disclosure Commission

FOR IMMEDIATE RELEASE

CONTACT: Lily Eng, 206-660-0519

Randall K. Gaylord, 360-378-4101

San Juan County Prosecuting Attorney

June 22, 2005

## **Lawsuit Challenges Illegal Contributions Pattern of Deceit Marks Controversial Initiative-912 Drive I-912 Campaign Blatantly Ignores State's Campaign Disclosure Law**

OLYMPIA – The San Juan County prosecuting attorney and his counterparts for the cities of Auburn, Kent and Seattle have filed a lawsuit to stop Initiative 912 campaign organizers from raising and spending thousands of dollars collected illegally in their campaign to halt the repair and maintenance of our state's roads and bridges.

The state's public disclosure law requires that campaigns raising and spending more than \$3,500 must file reports showing the names, addresses, occupations and employers of their contributors, the total amount each contributor has donated and how the funds were spent.

However, from day one, the I-912 campaign has wantonly ignored the state's campaign finance reporting law and failed to disclose the identities of all of its contributors. Interestingly, experienced campaigners are spearheading the I-912 effort.

"The counties and cities took this highly unusual action, which is provided for in the public disclosure law, because the pace of a review by the Public Disclosure Commission would be too slow to be meaningful," said attorney Mike Vaska, representing the counties and cities. "We believe this is the first time this has been done, but the urgency of the issue compelled this action."

The lawsuit filed in Thurston County Superior Court today seeks a preliminary injunction and penalties to stop I-912 campaign organizers from spending money from unidentified sources.

"San Juan County takes this action because we want our future determined by a fair process, not by illegal campaign contributions," said San Juan County Prosecuting Attorney Randall K. Gaylord. "As a county, we have a lot at stake. We depend on a healthy transportation network, and the transportation package is a fair way to pay for it."

The I-912 campaign raised \$40,000 from Internet contributions in May, but concealed these funds for a month by failing to make required reports to the PDC. When it finally

EXHIBIT #1

17 of 18

RECEIVED

JUL 6 - 2005

reported these amounts, there were no names, addresses or occupations for the contributors. All of this information is required to be reported. In June, supporters disclosed they had raised \$70,000, again mostly from unidentified sources. The I-912 campaign has belatedly responded to a PDC June 20 deadline for disclosure with a little over two weeks to go in the signature gathering campaign. Public Disclosure Commission

"The Sunshine Laws apply to the I-912 campaign. The campaign leaders have not said where they get all of the contributions from," Gaylord said. "This thwarts the public's right to know. We want honesty and disclosure, now, when it matters. It's the little guy that will get hurt if they don't comply."

The pattern of deceit continues with initiative backers' failure to disclose the significant in-kind contributions received from Fisher Broadcasting, owners of radio station KVI. Radio hosts Kirby Wilbur and John Carlson have spent countless hours working on campaign strategy and promotion while on the Fisher payroll, and the KVI website urges listeners to help the two get the measure on the ballot. None of these resources provided by the Seattle-based broadcasting corporation have been reported as required per state disclosure laws.

I-912 supporters are also purposely misrepresenting what the initiative would do. The official campaign petition claims that the initiative is necessary to keep the state from spending "\$800 million for rail and transit projects from a tax meant to pay for better roads." However, the transportation package passed by the legislature requires gas taxes to be used for highway-related purposes. State ferries are included in this definition. The rail and transit funding in the package does not come from the gas tax but from other sources that will not be repealed by I-912.

"The backers of this initiative are political professionals," Vaska said. "They know the law and they know they are openly violating it. We are through letting them get away with ignoring the disclosure law, which was overwhelmingly passed by citizen initiative."

Washington drivers average about 12,000 miles a year and get about 17 miles per gallon. That translates into 41 cents a week more for safer roads in the coming year.

EXHIBIT #1

13 of 18



PUBLIC DISCLOSURE COMMISSION  
711 CAPITOL WAY RM 206  
PO BOX 40908  
OLYMPIA WA 98504-0908  
(360) 753-1111  
Toll Free 1-877-601-2329

# Political Committee Registration

**C1PC**  
(6/01)

DATE FILED P  
JUN 1 - 2005

Committee Name (Show entire official name.)

**Citizens for Better Transportation**

Acronym:

Telephone:

Mailing Address

PO Box 2505

Fax: ( )

City  
**Seattle**

County  
**WA**

Zip + 4  
**98111**

E-mail:

**NEW OR AMENDED REGISTRATION?**

- ☒ **NEW.** Complete entire form.  
☐ **AMENDS** previous report. Complete entire form.

**COMMITTEE STATUS**

- ☐ Continuing (On-going; not established in anticipation of any particular campaign election.)  
☒ **2005** election year only. Date of general or special election: **November 8**  
(Year)

1. What is the purpose or description of the committee?

☐ **Bona Fide Political Party Committee** - official state or county central committee or legislative district committee. If you are not supporting the entire party ticket, attach a list or specify here the names of the candidates you support

☒ **Ballot Committee** - Initiative, Bond, Levy, Recall, etc. Name or description of ballot measure:

Ballot Number

**1-912**

FOR AGAINST

☐ ☒

**Initiative to Repeal the Gas Tax Increase**

☐ **Other Political Committee** - PAC, caucus committee, political club, etc. If committee is related or affiliated with a business, association, union or similar entity, specify name:

**For single election-year only committees (not continuing committees):** Is the committee supporting or opposing

(a) one or more candidates? ☐ Yes ☐ No If yes, attach a list of each candidate's name, office sought and political party affiliation.

(b) the entire ticket of a political party? ☐ Yes ☐ No If yes, identify the party.

2. Related or affiliated committees. List name, address and relationship.

☐ Continued on attached sheet

3. How much do you plan to spend during this entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below. (If your committee status is continuing, estimate spending on a calendar year basis.)

If no box is checked you are obligated to use Full Reporting. See instruction manuals for information about reports required and changing reporting options.

☐ **MINI REPORTING**

Mini Reporting is selected. No more than \$3,500 will be raised or spent and no more than \$300 in the aggregate will be accepted from any one contributor.

☒ **FULL REPORTING**

Full Reporting is selected. The frequent, detailed campaign reports mandated by law will be filed as required.

4. Campaign Manager's or Media Contact's Name and Address

**Charles Knutson PO Box 2505 Seattle, WA 98111**

Telephone Number:

**(206) 389-7295**

5. Treasurer's Name and Address (List deputy treasurers on attached sheet.)

**Philip Lloyd PO Box 2505 Seattle, WA 98111**

☒ Continued on attached sheet

Daytime Telephone Number:

**(206) 932-8878**

6. Committee Officers. List name, title, and address. Continue on attached sheet if necessary. See reverse for definition of "officer."  
**TBD**

☐ Continued on attached sheet

7. Campaign Bank or Depository

**Bank of America**

Branch

**West Seattle**

City

**Seattle**

8. Campaign books must be open to the public, except on a weekend or legal holiday, during the eight days before the election: (a) on the eighth day for two consecutive hours between 8 a.m. and 8 p.m.; if the eighth day is a legal holiday - two consecutive hours on the seventh day between 8 a.m. and 8 p.m.; and (b) on the other weekdays by appointment between 8 a.m. and 8 p.m. Specify location and hours below. It is not acceptable to provide a post office box or an out-of-area address.

Street Address, Room Number, City

Hours (Two consecutive hours; see 8(a))

**5236 36<sup>th</sup> Ave SW Seattle, WA 98126**

**10:00 am to 12:00 noon**

In order to make an appointment, contact the campaign at (telephone, fax, e-mail): **(206) 255-3367**

9. Eligibility to Give to State Office Candidates: During the 180 days prior to making a contribution to a state office candidate, your committee must have received contributions of \$10 or more from at least ten persons registered to vote in Washington State.

- ☒ A check here indicates your awareness of and pledge to comply with this provision. Absence of a check mark means your committee does not qualify to give to state office candidates (legislative and statewide executive candidates).

10. Signature and Certification. I certify that this statement is true, complete and correct to the best of my knowledge.

Committee Treasurer's Signature

Date

*[Signature]* **6-1-05**

Need campaign finance forms and instructions?

Please check one of the following boxes.

- ☒ I already have forms and instructions.  
☐ I will get forms and instructions from my county elections office.

☐ I want the Public Disclosure Commission to mail me the proper forms and instructions.

Distribution of This Report:

ORIGINAL - Public Disclosure Commission  
COPY - County Elections Office (Auditor)  
COPY - Your own records

**EXHIBIT #2**

1 of 1

# Political Committee Registration

**C1PC**  
(6/11)

DATE FILED PDC  
JUN 14 2005

Committee Name (Show entire official name.)

**Keep Washington Rolling (formerly Citizens for Better Transportation)**

Acronym:

Telephone:

Mailing Address

PO Box 2505

Fax: ( )

City  
**Seattle**

County  
**WA**

Zip + 4  
**98111**

E-mail:

**NEW OR AMENDED REGISTRATION?**

- ☐ NEW. Complete entire form.  
☒ AMENDS previous report. Complete entire form.

**COMMITTEE STATUS**

- ☐ Continuing (On-going, not established in anticipation of any particular campaign election.)  
☒ **2005** election year only. Date of general or special election: **November 8**  
(Year)

1. What is the purpose or description of the committee?

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- ☒ **Ballot Committee** - Initiative, Bond, Levy, Recall, etc. Name or description of ballot measure:

Ballot Number  
**I-912**

FOR AGAINST  
☐ ☒

**Initiative to Repeal the Gas Tax Increase**

- ☐ **Other Political Committee** - PAC, caucus committee, political club, etc. If committee is related or affiliated with a business, association, union or similar entity, specify name:

For single election-year only committees (not continuing committees): Is the committee supporting or opposing

- (a) one or more candidates? ☐ Yes ☐ No If yes, attach a list of each candidate's name, office sought and political party affiliation.  
(b) the entire ticket of a political party? ☐ Yes ☐ No If yes, identify the party:

2. Related or affiliated committees. List name, address and relationship.

☐ Continued on attached sheet

3. How much do you plan to spend during this entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below. (If your committee status is continuing, estimate spending on a calendar year basis.)

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Telephone Number:

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5. Treasurer's Name and Address (List deputy treasurers on attached sheet.)

**Philip Lloyd PO Box 2505 Seattle, WA 98111**

☒ Continued on attached sheet

Daytime Telephone Number:

**(206) 932-8878**

6. Committee Officers. List name, title, and address. Continue on attached sheet if necessary. See reverse for definition of "officer."

☐ Continued on attached sheet

**TBD**

7. Campaign Bank or Depository

**Bank of America**

Branch

**West Seattle**

City

**Seattle**

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Street Address, Room Number, City

Hours (Two consecutive hours; see 8(a))

**5236 36<sup>th</sup> Ave SW Seattle, WA 98126**

**10:00 am to 12:00 noon**

In order to make an appointment, contact the campaign at (telephone, fax, e-mail): **(206) 255-3367**

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- ☒ A check here indicates your awareness of and pledge to comply with this provision. Absence of a check mark means your committee does not qualify to give to state office candidates (legislative and statewide executive candidates).

10. Signature and Certification. I certify that this statement is true, complete and correct to the best of my knowledge.

Committee Treasurer's Signature

Date

*[Signature]* **6/13/05**

Need campaign finance forms and instructions?

Please check one of the following boxes.

- ☒ I already have forms and instructions.  
☐ I will get forms and instructions from my county elections office.

- ☐ I want the Public Disclosure Commission to mail me the proper forms and instructions.

Distribution of This Report:

ORIGINAL - Public Disclosure Commission  
COPY - County Elections Office (Auditor)  
COPY - Your own records

**EXHIBIT #3**  
1 of 1

DATE FILED PDC

JUL 15 2005

RECEIVED

JUL 18 2005

Public Disclosure Commission

July 15, 2005

Philip Stutzman  
Director of Compliance  
Public Disclosure Commission  
711 Capitol Way, Room 206  
PO Box 40908  
Olympia, WA 98504-0908

RE: 45-Day Citizen Action Letter, Case No. 06-001

Dear Mr. Stutzman,

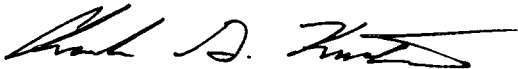
Thank you for the opportunity to respond to the questions raised in your recent letter.

None of the agencies you referenced were confirmed supporters of, or contributors to the Keep Washington Rolling effort. These agencies were mistakenly posted on the Keep Washington Rolling website by our campaign consultants at Pacific Public Affairs.

Immediately upon being informed of the mistake, the consultants corrected the error by deleting the names of these agencies from the website. We regret this error and assure you it was entirely unintentional.

We will take any other corrective actions the PDC deems appropriate. Please let me know if you have any further questions. Thanks again.

Sincerely,



Charles Knutson  
Keep Washington Rolling  
PO Box 2505  
Seattle, WA 98111

EXHIBIT #4

1 of 1



## Partnership Members

### Co-Chairs

Bob Drewel  
Steve Leahy  
Rick Bender

### Organizations

Puget Sound Regional Council  
Greater Seattle  
Chamber of Commerce  
Washington State Labor Council  
Bellevue Chamber of Commerce  
American Council of Engineering  
Companies - Washington  
Associated General Contractors of  
Washington  
Association of Washington Cities  
Bellevue Downtown Association  
Building Owners & Managers  
Association Seattle King County  
Cascadia Center of  
the Discovery Institute  
Downtown Seattle Association  
Everett Area Chamber of  
Commerce  
Futurewise  
Issaquah Chamber of Commerce  
Kirkland Chamber of Commerce  
League of Women Voters of WA  
Master Builders Association of King  
and Snohomish Counties  
National Association of Industrial  
and Office Properties  
People for Modern Transit  
Port of Everett  
Port of Seattle  
Port of Tacoma  
Redmond Chamber of Commerce  
Renton Chamber of Commerce  
Seattle-King County Association of  
REALTORS  
Snohomish County Committee for  
Improved Transportation  
S. Snohomish Chamber of Com.  
Washington Association of Realtors  
Washington Roundtable  
Washington State Association of  
Counties  
WashPIRG  
Women's Transportation Seminar

### Unions

Int'l Association of Machinists &  
Aerospace Workers No. 751  
Int'l Federation of Professional and  
Technical Engineers No. 17  
Seattle/King County Building and  
Construction Trades Council, AFL-CIO  
Society of Professional Engineering  
Employees in Aerospace (SPEEA)  
Washington State Building and  
Construction Trades Council

### Businesses

Bank of America  
Bannecker & Associates  
Ben Bridge  
The Boeing Company  
CH2MHill  
David Evans and Associates  
Egis Real Estate Services  
EnviroIssues  
Equity Office  
Foster Pepper & Shefelman  
Hal Woosley Properties  
HNTB  
INCA Engineers  
KBA Construction Management  
Kelley Public Affairs  
KPFF  
Merrill Lynch  
Microsoft  
Parametrix  
Parsons Brinckerhoff  
PEMCO Financial Services  
Port Blakely Companies  
Preston Gates & Ellis  
Puget Sound Energy  
Rowley Properties, Inc.  
Seattle-Northwest Securities  
Symetra Financial  
Unico Properties  
Washington Mutual  
Wilbur Smith Associates  
Weyerhaeuser  
WTS Western Systems, Inc.  
Vulcan Inc.

# TRANSPORTATION PARTNERSHIP

EXHIBIT # 5

1 of 1

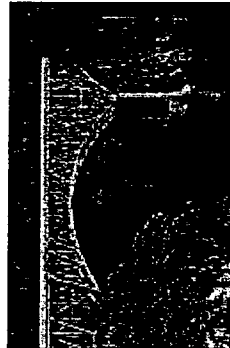
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JUL 6 - 2005

Public Disclosure Commission



[Home](#) | [Who We Are](#) | [How to Help](#) | [Project List](#) | [Debunking I-912](#) | [Fast Facts](#) | [What Others Are Saying](#) | [News](#)



Keep Washington Rolling is a broad group of transportation supporters that has launched a campaign to stop a shortsighted initiative that will halt the repair and maintenance of our state's roads and make them less safe.

Keep Washington Rolling includes labor organizations, business groups, some of Washington's biggest employers as well as environmental groups.

#### Organizations

- Puget Sound Regional Council
- Greater Seattle Chamber of Commerce
- Washington State Labor Council
- Bellevue Chamber of Commerce
- American Council of Engineering Companies – Washington
- Associated General Contractors of Washington
- Association of Washington Cities
- Bellevue Downtown Association
- Building Owners & Managers Association Seattle King County
- Cascadia Center of the Discovery Institute
- Downtown Seattle Association
- Everett Area Chamber of Commerce
- Futurewise
- Issaquah Chamber of Commerce
- Kirkland Chamber of Commerce
- League of Women Voters of WA
- Master Builders Association of King and Snohomish Counties
- National Association of Industrial and Office Properties
- People for Modern Transit
- Port of Everett
- Port of Seattle
- Port of Tacoma
- Redmond Chamber of Commerce
- Renton Chamber of Commerce
- Seattle-King County Association of Realtors
- Snohomish County Committee for Improved Transportation
- S. Snohomish Chamber of Commerce
- Washington Association of Realtors
- Washington Roundtable
- Washington State Association of Counties
- WashPIRG
- Women's Transportation Seminar
- Washington Environmental Council
- Washington Conservation Voters

#### Unions

- International Association of Machinists & Aerospace Workers No. 751
- International Federation of Professional and Technical Engineers No. 17
- Seattle/King County Building and Construction Trades Council, AFL-CIO
- Society of Professional Engineering Employees in Aerospace (SPEEA)
- Washington State Building and Construction Trades Council

EXHIBIT #6  
1 of 2

- Washington State Labor Council, AFL-CIO

**Businesses**

- Bank of America
- Bannecker & Associates
- Ben Bridge
- The Boeing Company
- CH2MHill
- David Evans and Associates
- Egis Real Estate Services
- EnviroIssues
- Equity Office
- Foster Pepper & Shefelman
- Hal Woosley Properties
- HNTB
- INCA Engineers
- KBA Construction Management
- Kelley Public Affairs
- KPFF
- Merrill Lynch

- Microsoft
- Parametrix
- Parsons Brinckerhoff
- PEMCO Financial Services
- Port Blakely Companies
- Preston Gates & Ellis
- Puget Sound Energy
- Rowley Properties, Inc.
- Seattle-Northwest Securities
- Symetra Financial
- Unico Properties
- Washington Mutual
- Wilbur Smith Associates
- Weyerhaeuser
- WTS Western Systems, Inc.
- Vulcan Inc.
- Weyerhaeuser

EXHIBIT #6

2 of 2

RECEIVED

JUL 6 - 2005

Public Disclosure Commission

ANDERSON HUNTER LAW FIRM, P.S.

2707 COLBY AVENUE, SUITE 1001  
P.O. BOX 5397  
EVERETT, WASHINGTON 98206-5397  
(425) 252-5161  
FAX: (425) 258-3345  
www.andersonhunterlaw.com

AMY C. ALLISON  
JEFFREY H. CAPELOTO  
GLENN PAUL CARPENTER  
BRADFORD N. CATTLE  
THOMAS R. COLLINS  
G. DOUGLAS FERGUSON  
JOHN A. FOLLIS  
G. GEOFFREY GIBBS  
PATRICK F. HUSSEY  
CHRISTOPHER J. KNAPP

C. MICHAEL KVISTAD  
J. ROBERT LEACH  
MEGAN OTIS MASONHOLDER  
JO MARIE NOACK  
VICKIE K. NORRIS  
LAURIE UMMEL

JULIAN C. DEWELL  
OF COUNSEL

O.D. ANDERSON (1892-1961)  
JAMES P. HUNTER (1915-1988)

July 18, 2005  
*VIA FACSIMILE AND REGULAR MAIL*

RECEIVED

JUL 18 2005

Public Disclosure Commission

Mr. Philip E. Stutzman  
Director of Compliance  
Public Disclosure Commission  
711 Capitol Way, Room 206  
P. O. Box 40908  
Olympia, WA 98504-0908

Re: Port of Everett  
Complaint Filed by Richard L. Pope, Jr.

Dear Mr. Stutzman:

By way of introduction, I am general counsel to the Port of Everett. Your letter of July 8, 2005 has been forwarded to me for response.

Responding to the questions in your letter, the Port of Everett Port Commission, during calendar year 2005, has not addressed or discussed Initiative 912 in any way. Similarly, the Port of Everett Port Commission, during 2005, has not addressed or discussed in any way the "Keep Washington Rolling" organization. Thus, there are no Commission minutes or other documentation reflecting action.

As is evident from Mr. Pope's Complaint with the enclosure of the text of an e-mail from Deputy Port Director Ed Paskovskis at the Port of Everett, in response to Mr. Pope's inquiry, the Port of Everett had no part in endorsing the Keep Washington Rolling agenda nor did it authorize use of its name. When the Port was notified that its name was being erroneously listed as an endorser, it communicated to Keep Washington Rolling requesting removal of its name from that organization's advertising. A copy of the Port of Everett's July 1, 2005 letter to Keep Washington Rolling is enclosed for your information.

Secondarily, in your letter of July 8, 2005, you request e-mails from employees of the Port of Everett during the calendar year 2005 in which either Initiative 912 or "Keep Washington

Mr. Philip E. Stutzman  
July 18, 2005  
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Rolling" was addressed or discussed. The e-mails that could be determined to be on these subjects are enclosed with the mailed hardcopy of this letter.

I trust that this response is complete with respect to the inquiries set forth in your letter of July 8, 2005. However, if you need further information or clarification, please feel free to contact me.

Very truly yours,

ANDERSON HUNTER LAW FIRM, P.S.



Bradford N. Cattle

BNC:kk

Enclosures

cc: Port Commissioners (w/o enclosures)  
Executive Director, John M. Mohr (w/o enclosures)  
Deputy Director Edmunds Paskovskis (w/o enclosures)  
Executive Manager Susan Brokaw (w/ enclosures)



July 15, 2005

Philip E. Stutzman  
Director of Compliance  
Public Disclosure Commission  
711 Capitol Way Rm 206  
P.O. Box 40908  
Olympia, Washington 98504-0908

**Re: Port Response to Citizen Action Letter filed by Richard Pope**

Dear Mr. Stutzman:

Your July 8<sup>th</sup> letter to Linda Strout, received by the Port on July 11<sup>th</sup>, has been forwarded to me for a response. In that letter you requested our response to the allegations in the complaint and you included two document requests.

1. Port of Seattle Response to the Allegations.

The Port of Seattle unequivocally denies that it authorized the use of its name by any political action committee involved with Initiative 912. In particular, we did not authorize the use of the Port's name by "Citizens for Better Transportation" or "Keep Washington Rolling. Indeed, it does not appear that the Port's authorization was even requested. Following receipt of Mr. Pope's complaint, we were contacted by a representative of the Keep Washington Rolling committee and were advised that the committee had used the Port of Seattle's name in error and that the committee would immediately cease using the Port's name.

2. Document Requests.

We have reviewed the minutes and agendas of Port Commission meetings in 2005 and there are no references to Initiative 912 or Keep Washington Rolling.

The Port does not have the technology to respond to the request for all employee emails created in 2005 that may discuss I-912 or Keep Washington Rolling before the July 18<sup>th</sup> deadline referenced in your letter. According to our IT staff, it would take about a month to search all Port emails for the requested reference. However, we have searched the email records of the Port Commission, Executive Officers, and Public Affairs staff and are providing you with the results of that search. This limited search did not reveal any



Philip E. Stutzman  
July 15, 2005  
Page 2 of 2

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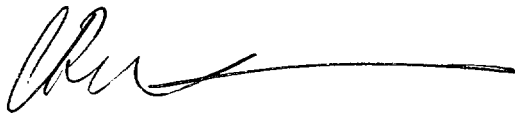
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authorization by the Port of the use of its name by Keep Washington Rolling. What we did find was that email that did reference I-912 or Keep Washington Rolling basically fell into two groups. The first group is a string of emails generated in response to Mr. Pope's initial inquiry. The second includes references in publications that are routinely reviewed by the Port, including press reports and periodicals.

In light of Keep Washington Rolling's acknowledgment that it had erred in using the Port's name, it would appear highly unlikely that an exhaustive and burdensome search of all Port emails will result in the discovery of any useful information. Given that we cannot meet your July 18<sup>th</sup> deadline in any event, would you please advise us if our response to date is adequate. Otherwise, we will continue to search our records and will respond as soon as possible.

Sincerely,



Craig R. Watson  
General Counsel

Enclosure

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EXHIBIT #8

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JUL 18 2005

July 18, 2005

Public Disclosure Commission

Mr. Philip E. Stutzman  
Director of Compliance  
State of Washington Public Disclosure Commission  
P.O. Box 40908  
Olympia, WA 98504-0908

Re: 45-Day Citizen Action Letter Against: 1) Keep Washington Rolling; 2) Puget Sound Regional Council; 3) Association of Washington Cities; 4) Port of Everett; 5) Port of Seattle; 6) Port of Tacoma; and 7) Washington State Association of Counties – Case No. 06-001

Dear Mr. Stutzman:

Enclosed please find the Port of Tacoma's response to the 45-Day Citizen Action Letter referenced above. In your letter to the Port dated July 8, 2005, you requested the following: whether the organization Keep Washington Rolling had authorization to include the Port of Tacoma on their website; minutes and agendas from any meeting of the Port of Tacoma during calendar year 2005 in which either Initiative 912 or Keep Washington Rolling were addressed or discussed in any way; and all emails from employees of the Port of Tacoma during calendar year 2005 in which either Initiative 912 or Keep Washington Rolling were addressed or discussed in any way. We will respond to each request accordingly.

1. Authorization to Include the Port of Tacoma on the Keep Washington Rolling Website:

The Port of Tacoma did not authorize its inclusion in the Keep Washington Rolling website. The listing was done without the knowledge or approval of the Port of Tacoma Commission or staff.

EXHIBIT #9

1 of 2



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2. Minutes and Agendas:

Neither Initiative 912 nor Keep Washington Rolling were addressed or discussed in any way during a Commission meeting during calendar year 2005. Therefore, the Port of Tacoma has no documents which meet the scope of this request.

3. Emails from Port of Tacoma Staff:

After conducting a search of all emails sent and received by the members of the Port's senior staff team, administrative support staff, and the Governmental Affairs and Economic Development staff, we are providing all emails which fall within the scope of your request. In order to respond to this request by the PDC's deadline of July 18, we did not conduct a search of the email correspondence of the entire Port staff; we believe the emails included in this response are wholly indicative of any sent by Port staff on this subject. The emails provided may be divided into three categories:

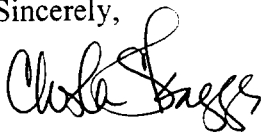
- a. Correspondence responding to or resulting from Mr. Pope's initial records request, received by the Port of Tacoma on June 30, 2005;
- b. Correspondence pertaining to the scheduling of meetings or summarizing content of meetings; and
- c. Sharing of news media which pertains to the transportation industry, sent regularly to Port staff in the course of business.

Emails have been categorized accordingly in the accompanying binder. One email has been withheld from the Commission, as it is correspondence between the Port's Public Records Clerk and Port counsel concerning Mr. Pope's initial records request, and is thereby exempt from disclosure.

We do not believe the Port is in violation of RCW 42.17.130, as alleged in Mr. Pope's Citizen Action Letter. It is our hope that the Commission will shortly render a non-finding as a result of this investigation.

If you need further information, please contact me at (253) 383-9402 or via email at [cskaggs@portoftacoma.com](mailto:cskaggs@portoftacoma.com).

Sincerely,



Charla Skaggs

Assistant to the Executive Director

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2 of 2

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July 14, 2005

JUL 15 2005

Public Disclosure Commission

Philip E. Stutzman  
711 Capitol Way, Room 206  
PO Box 40908  
Olympia, WA 98504-0908

Dear Mr. Stutzman:

Enclosed please find Puget Sound Regional Council's (PSRC) response to your July 8, 2005, letter requesting certain information regarding the Citizen Action Letter of complaint filed by Mr. Richard Pope. We were first notified that PSRC was on the Keep Washington Rolling website by Mr. Pope via an email dated June 30, 2005. PSRC immediately contacted a representative of the campaign asking that the agency be removed from the website.

No one employed by or acting on behalf of the agency authorized Keep Washington Rolling to include PSRC on their website, nor had knowledge that PSRC was erroneously listed. The campaign acknowledged their error and apologized to Rick Olson, PSRC's Director of Government Relations and Communications. We understand that Keep Washington Rolling's website was updated that day to remove PSRC's name. PSRC has not taken a position on the proposed ballot measure and is not a member of any political committee. We have informed Mr. Pope of this in return emails, the text of which is enclosed.

In response to your request, we have enclosed the minutes of the two PSRC meetings in which Initiative 912 or Keep Washington Rolling were addressed or discussed in any way. Since it was not clear from your request whether you intended it to apply only to the open public meetings of PSRC's Board and Committees, or to also include internal staff meetings, I have included information on both in this response. The minutes of the May 12, 2005, Transportation Policy Board meeting show that Rick Olson reported that some sort of initiative was possible. During a May 23, 2005, internal management meeting, the possibility of initiatives was mentioned during a general legislative update, a part of the normal and regular conduct of the agency. In neither meeting did the agency take a position on the proposed ballot measure.

Also enclosed are all emails sent by employees of PSRC during calendar year 2005 that discuss or address Initiative 912 or Keep Washington Rolling. As you can see, the majority of these concern the emails from Richard Pope and the erroneous mention of PSRC on the Keep Washington Rolling website. The remainder are informational in nature and are a part of the normal and regular conduct of the agency.

Please do not hesitate to call me if you have any additional questions. I can be reached by phone at (206) 464-7091 or by email at [rock@psrc.org](mailto:rock@psrc.org).

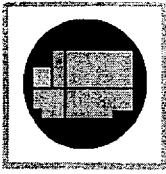
Sincerely,

A handwritten signature in black ink, appearing to read "Robin Rock", is written over a horizontal line.

Robin Rock  
General Counsel and Chief Administrative Officer

EXHIBIT #10

1 of 1



# Washington State Association of Counties

206 TENTH AVE. S.E., OLYMPIA, WASHINGTON 98501

TELEPHONE (360) 753-1886 • FAX (360) 753-2842

[www.wacounties.org/wsac](http://www.wacounties.org/wsac)

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**JUL 06 2005**

July 6, 2005

**Public Disclosure Commission**

Ms. Vickie Rippie  
Executive Director  
Public Disclosure Commission  
P.O. Box 40908  
Olympia, WA 98504-0908

Dear Ms. Rippie:

It has recently come to my attention that the Washington State Association of Counties (WSAC) may have been wrongly identified by the "Keep Washington Rolling" organization as an opponent to Initiative 912. I am writing to inform you that WSAC does not participate in any way in any initiative campaign.

On Friday, July 1, we were advised by a professional colleague that WSAC and several other groups had been listed as Initiative 912 opponents on the "Keep Washington Rolling" website. Our colleague informed the organization that neither we nor those other groups were part of their coalition and asked that our names be removed. By the time we made our own check of the "Keep Washington Rolling" website our organization was not listed as a supporter.

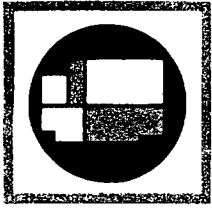
In short, any reference to WSAC regarding this ballot measure was without our knowledge or consent. In accordance with PDC and Attorney General guidance, WSAC does not take positions on any ballot measure and has not taken a position in this matter. If any individual or group seeks the political endorsement of WSAC we clearly inform them that we are not permitted to support or oppose ballot measures.

If you have any questions about this matter, please contact me 360-753-1886.

*Paul Parker*

Paul Parker  
Assistant Executive Director

EXHIBIT # 11  
1 of 3



# Washington State Association of Counties

206 TENTH AVE. S.E., OLYMPIA, WASHINGTON 98501-1311  
TELEPHONE (360) 753-1886 • FAX (360) 753-2842

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JUL 18 2005

July 18, 2005

Mr. Philip E. Stutzman  
Director of Compliance  
Public Disclosure Commission  
P.O. Box 40908  
Olympia, WA 98504-0908

**Public Disclosure Commission**

RE: Case No. 06-001

Dear Mr. Stutzman:

This letter is in response to your request for information subsequent to the 45-day Citizen Action Letter of Complaint filed by Richard L. Pope, Jr. As I informed Ms. Rippie by phone on July 5, 2005 and by letter on July 6, 2005, WSAC does not participate in any way in any initiative campaign.

Any reference to WSAC regarding this ballot measure was without our knowledge or consent. In accordance with PDC and Attorney General guidance, WSAC does not take positions on any ballot measure and has not taken a position in this matter. If any individual or group seeks the political endorsement of WSAC we clearly inform them that we are not permitted to support or oppose ballot measures.

WSAC is a private, non-profit organization and therefore not subject to public records and public meeting requirements. However, our Legislative Steering Committee makes it a practice to maintain minutes of full committee meetings and official actions, and has these available for inspection upon request. The LSC also makes it a practice to conduct open meetings. Staff from counties, the governor's office, state agencies, etc., often attend. Occasionally a representative of the press will attend.

Nevertheless, in order to assist in your investigation, I am responding to your document request:

- There are no minutes or agendas for any meeting of the Washington State Association of Counties during calendar year 2005 in which either: 1) Initiative 912 was addressed or discussed in any way; or 2) Keep Washington Rolling was addressed or discussed in any way.

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July 18, 2005

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- Except for correspondence within the organization after we were notified that our name had been used without our consent or authorization by "Keep Washington Rolling," the only e-mail communication from an employee of the Washington State Association of Counties during calendar year 2005 in which either: 1) Initiative 912 was addressed or discussed in any way; or 2) Keep Washington Rolling was addressed or discussed in any way is a response to Gary Lowe from Bill Vogler confirming that WSAC is not a member of the pro-gas tax organization. I am attaching that exchange and copies of the internal e-mails addressing our response to the inaccurate website claim by Keep Washington Rolling.

If you have any further questions about this matter, please contact Bill Vogler, WSAC Executive Director or me at 360-753-1886.

Sincerely,



Paul Parker

Assistant Executive Director

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JUL 18 2005

Public Disclosure Commission

EXHIBIT #11

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